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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA, 22313-1450, on the below date:

Date: September 7, 2004 Name: Anastasia Heffner

Signature: *Anastasia Heffner*

BRINKS
HOFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Robert R. Mantell

Appln. No.: 10/829,485

Filed: April 22, 2004

For: MIXED-GAS INSUFFLATION SYSTEM

Attorney Docket No: 7034/110

Examiner:

Art Unit: 1578

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

☒ Transmittal Letter (in duplicate); Information Disclosure Statement; Form PTO-1449; Copies of cited references A58 - A59

☒ Return Receipt Postcard

Fee calculation:

☒ No additional fee is required.

☐ Small Entity.

☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).

☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____).

☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 43=			x \$86=	
First Presentation of Multiple Dep. Claim					+\$145=			+\$290=	
					Total	\$		Total	\$

Fee payment:

☐ A check in the amount of \$_____ is enclosed.

☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.

☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).

☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

9-7-04
Date

Respectfully submitted,

Anastasia Heffner
Anastasia Heffner (Reg. No. 47,638)



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INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(b), Applicant hereby cites the following reference(s):

No.	Date of Publication	Patentee/Applicant/Assignee
2,722,935	11/08/1955	R.E. Thompson et al.
3,464,434	09/02/1969	B.A. Nielsen
3,853,105	12/10/1974	Kenagy
3,862,907	01/28/1975	Shimotsuma et al.
3,982,533	09/28/1976	Wiest
4,048,992	09/20/1977	Lindemann et al.
4,109,656	08/29/1978	Goethel et al.
4,207,887	06/17/1980	Hiltebrandt et al.
4,245,979	01/20/1981	Ito
4,464,169	08/07/1984	Semm
4,640,260	02/03/1987	Perez
4,676,774	06/30/1987	Semm et al.
4,691,900	09/08/1987	Maeda
4,699,173	10/13/1987	Röhling
4,878,894	11/07/1989	Sutter, Jr. et al.
4,884,565	12/05/1989	Cocozza
4,905,497	03/06/1990	Shindo et al.
4,977,776	12/18/1990	Shindo et al.
5,006,109	04/09/1991	Douglas et al.
5,061,239	10/29/1991	Shiels
5,121,700	06/16/1992	Blackwell et al.
5,152,745	10/06/1992	Steiner et al.
5,246,419	09/21/1993	Absten
5,250,287	10/05/1993	Cocozza
5,273,531	12/28/1993	Knoepfler

No.	Date of Publication	Patentee/Applicant/Assignee
5,292,304	03/08/1994	Mantell et al.
5,305,698	04/26/1994	Blackwell et al.
5,328,458	07/12/1994	Sekino et al.
5,360,396	11/01/1994	Chan
5,362,310	11/08/1994	Semm
5,363,839	11/15/1994	Lankford
5,411,474	05/02/1995	Ott et al.
5,439,441	08/08/1995	Grimsley et al.
5,464,008	11/07/1995	Kim
5,496,408	03/05/1996	Motoda et al.
5,514,087	05/07/1996	Jones
5,542,412	08/06/1996	Century
5,554,112	09/10/1996	Walbrink et al.
5,586,974	12/24/1996	Martinez et al.
5,599,297	02/04/1997	Chin et al.
5,664,560	09/09/1997	Merrick et al.
5,728,223	03/17/1998	Murakami et al.
5,800,381	09/01/1998	Ognier
5,873,819	02/23/1999	Koch
5,934,274	08/10/1999	Merrick et al.
5,964,223	10/12/1999	Baran
5,979,474	11/09/1999	Manako
5,980,835	11/09/1999	Porozni
6,068,703	05/30/2000	Chen et al.
6,076,745	06/20/2000	Primdahl
6,085,556	07/11/2000	Moon
6,092,364	07/25/2000	Stellwagen
6,116,240	09/12/2000	Merrick et al.
6,203,519	03/20/2001	Fagerström et al.
6,240,943	06/05/2001	Smith
6,299,592	10/09/2001	Zander
6,428,500	08/06/2002	Koninckx

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)
Copy of serial no. 60/421,662, entitled "Dual-Capacity Insufflator Tube", filed October 28, 2002, Mantell, 23 pages.
Copy of serial no. 10/696,675, entitled "Dual-Capacity Insufflator Tube", filed October 28, 2003, Mantell, 29 pages.

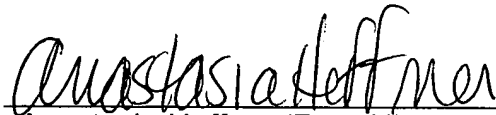
For the Examiner's convenience, Applicant is enclosing Form PTO-1449 (two sheets), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2) as modified by 1276 OG 55. As each of the listed references is in English, no further commentary is believed to be necessary, 37 C.F.R. §1.98(a)(3). Applicant respectfully requests the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

By submitting this Statement, Applicant is attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

Applicant has calculated no fee to be due in connection with the filing of this Statement. However, the Director is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

Respectfully submitted,

September 7, 2004
Date


Anastasia Heffner (Reg. No. 47,638)



FORM PTO-1449	SERIAL NO. 10/829,485	CASE NO. 7034/110
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE April 22, 2004	GROUP ART UNIT 1578
(use several sheets if necessary)		APPLICANT(S): Robert R. Mantell

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	2,722,935	11/08/1955	R.E. Thompson et al.		
	A2	3,464,434	09/02/1969	B.A. Nielsen		
	A3	3,853,105	12/10/1974	Kenagy		
	A4	3,862,907	01/28/1975	Shimotsuma et al.		
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	A9	4,245,979	01/20/1981	Ito		
	A10	4,464,169	08/07/1984	Semm		
	A11	4,640,260	02/03/1987	Perez		
	A12	4,676,774	06/30/1987	Semm et al.		
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	A14	4,699,173	10/13//1987	Röhling		
	A15	4,878,894	11/07/1989	Sutter, Jr. et al.		
	A16	4,884,565	12/05/1989	Cocozza		
	A17	4,905,497	03/06/1990	Shindo et al.		
	A18	4,977,776	12/18/1990	Shindo et al.		
	A19	5,006,109	04/09/1991	Douglas et al.		
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	A30	5,362,310	11/08/1994	Semm		
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	A36	5,514,087	05/07/1996	Jones		
	A37	5,542,412	08/06/1996	Century		
	A38	5,554,112	09/10/1996	Walbrink et al.		

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449	SERIAL NO. 10/829,485	CASE NO. 7034/110
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE April 22, 2004	GROUP ART UNIT 1578
(use several sheets if necessary)		APPLICANT(S): Robert R. Mantell

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U.S. PATENT DOCUMENTS

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	A39	5,586,974	12/24/1996	Martinez et al.		
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	A42	5,728,223	03/17/1998	Murakami et al.		
	A43	5,800,381	09/01/1998	Ognier		
	A44	5,873,819	02/23/1999	Koch		
	A45	5,934,274	08/10/1999	Merrick et al.		
	A46	5,964,223	10/12/1999	Baran		
	A47	5,979,474	11/09/1999	Manako		
	A48	5,980,835	11/09/1999	Porozni		
	A49	6,068,703	05/30/2000	Chen et al.		
	A50	6,076,745	06/20/2000	Primdahl		
	A51	6,085,556	07/11/2000	Moon		
	A52	6,092,364	07/25/2000	Stellwagen		
	A53	6,116,240	09/12/2000	Merrick et al.		
	A54	6,203,519	03/20/2001	Fagerström et al.		
	A55	6,240,943	06/05/2001	Smith		
	A56	6,299,592	10/09/2001	Zander		
	A57	6,428,500	08/06/2002	Koninckx		

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.)</small>	
	A58	Copy of serial no. 60/421,662, entitled "Dual-Capacity Insufflator Tube", filed October 28, 2002, Mantell, 23 pages.
	A59	Copy of serial no. 10/696,675, entitled "Dual-Capacity Insufflator Tube", filed October 28, 2003, Mantell, 29 pages.

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